

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

PATRICIA L. HENDRICKSON,
Complainant,

v.

GTE COMMUNICATION SYSTEMS
CORPORATION,
Respondent.

)
)
) 8 U.S.C. § 1324b Proceeding
)

) OCAHO Case No. 97B00089
)

) Judge Robert L. Barton, Jr.
)
)
)

ORDER OF DISMISSAL

(September 17, 1997)

On April 4, 1997, Patricia L. Hendrickson (Hendrickson or Complainant), through her representative John B. Kotmair, Jr.,¹ filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against General Telephone Communications Corp.² The Complaint and a notice of hearing were served by OCAHO on Respondent on April 18, 1997. In the Complaint, Ms. Hendrickson states that she is a United States citizen, Compl. ¶ 2, and alleges that Respondent discriminated against her because of her citizenship status, *id.* ¶¶ 9-10, and committed document abuse by refusing to accept documents she presented, namely a Statement of Citizenship and an Affidavit of Constructive Notice, *id.* ¶ 16. On August 14, 1997, I issued an Order Granting Respondent's Motion to Dismiss by which all matters raised in the Complaint were resolved except for Complainant's request for sanctions.³ The Order of August 14, 1997, required Respondent to file, on or before September 12, 1997, a certification of services detailing the fees incurred in connection with this action, as well as a brief showing why Complainant's arguments were without reasonable foundation in law and fact.

¹ Since then, I have excluded Mr. Kotmair from participation in this proceeding for the reasons stated in my Order Excluding Complainant's Representative, entered August 6, 1997.

² For reasons set forth in my Order of August 12, 1997, the caption has been corrected so that Respondent's name appears as "GTE Florida Incorporated."

³ As OCAHO Administrative Law Judges do not have the authority to impose sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure, I construed Respondent's request as one for attorney's fees, as governed by 8 U.S.C. § 1324b(h) and 28 C.F.R. § 68.52(c)(2). *See* Order Granting R.'s Mot. Dismiss at 11-12.

On September 12, 1997, Respondent filed a response to my August 14 Order by which it withdrew its request for attorney's fees. Therefore, as all issues in this matter have been resolved, I hereby dismiss the case with prejudice.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 1997, I have served the foregoing Order of Dismissal on the following persons at the addresses shown, by first class mail, unless otherwise indicated:

Patricia L. Hendrickson
404 Clara Drive
Brandon, FL 33510
(Complainant)

GTE Communication Systems Corporation
(GTE Supply)
8800 Adamo Drive
Tampa, FL 33619
(Respondent)

Ernesto Mayor, Jr., Esq.
GTE Florida Incorporated
P.O. Box 110, MC FLTC0007
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(Counsel for Respondent)

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(Hand Delivered)

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